

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 5110
)	
HORIZON HEATING AND COOLING, INC.,)	JUDGE DAVID H. COAR
an Illinois corporation,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on November 13, 2008, request this Court enter judgment against Defendant, HORIZON HEATING AND COOLING, INC., an Illinois corporation. In support of that Motion, Plaintiffs state:

1. On November 13, 2008, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for the time period May 2008 forward within 14 days of the entry of said Order.

The Court set the matter for prove-up hearing on December 22, 2008. The Court retained jurisdiction to enforce the November 13, 2008 Order and enter judgment against Defendant.

2. On November 24, 2008, Plaintiffs' counsel received Defendant's monthly fringe benefit contribution reports, without the payment of the required contributions and liquidated damages, for the months of May 2008 through October 2008. The fringe benefit contribution reports show Defendant is delinquent in contributions to the Funds for the stated months in the amount of \$70,189.70. (See Affidavit of Scott P. Wille).

3. Additionally, the amount of \$7,018.97 is due for liquidated damages. (Wille Aff. Par. 5).

4. Further, Defendant underpaid its fringe benefit contributions due for the months of July 2006, August 2006 and January 2007. Accordingly, Defendant owes \$23.81 for contributions and \$2.38 for liquidated damages, for a total of \$26.19. (Wille Aff. Par. 6).

5. Plaintiffs' firm has expended \$396.00 for costs and \$913.75 for attorneys' fees in this matter, for a total of \$1,309.75. (See Affidavit of Catherine M. Chapman).

6. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$78,544.61.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$78,544.61.

/s/ Jennifer L. Dunitz-Geiringer

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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 15th day of December 2008:

Mr. Arthur C. Ayala, Registered Agent/President
Horizon Heating and Cooling, Inc.
999 Thorton
Lockport, IL 60441

/s/ Jennifer L. Dunitz-Geiringer

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